

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**

Wednesday, November 15, 2000 - 2:00 p.m. - Room 131 State Capitol

Members Present:

Sen. R. Mont Evans, Senate Chair
Rep. Joseph G. Murray, House Chair
Sen. Pete Suazo
Sen. Michael G. Waddoups
Rep. Eli H. Anderson
Rep. Loretta Baca
Rep. DeMar "Bud" Bowman
Rep. Craig W. Buttars
Rep. Marda Dillree
Rep. David L. Gladwell
Rep. Richard M. Siddoway

Members Absent:

Rep. Raymond W. Short
Rep. Glenn L. Way

Staff Present:

Mr. Joseph Wade,
Research Analyst
Mr. Robert H. Rees,
Associate General Counsel
Ms. Joy L. Miller,
Legislative Secretary

Members Excused:

Sen. Scott N. Howell
Sen. L. Alma "Al" Mansell
Rep. Greg J. Curtis

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Committee Business - Rep. Murray called the meeting to order at 2:20 p.m. He noted that item 4 on the agenda would not be discussed today.

MOTION: Sen. Suazo moved to approve the minutes of October 18, 2000. The motion passed unanimously. Sen. Waddoups and Reps. Bowman, Dillree, and Siddoway were absent for the vote.

2. Special Districts Recodification - Mr. Rees discussed proposed legislation, "Special District and Local District Amendments." He noted the bill is divided into three groups which deal with annexation, withdrawal, and dissolution and attempts to standardize the requirements. He commented that the Special District Subcommittee will meet once more to address other changes to be made to the legislation.

MOTION: Sen. Evans moved to adopt proposed legislation, "Special District and Local District Amendments" as a committee bill. The motion passed unanimously. Sen. Waddoups and Rep. Siddoway were absent for the vote.

Rep. Gladwell indicated he would like to sponsor the bill.

3. Special Districts Eminent Domain - Rep. Dillree reviewed proposed legislation, "Public Transit Districts." When the Utah Transit Authority (UTA) was created, UTA dealt with buses and didn't have its current fixed guide way needs. Rep. Dillree believes eminent domain is a tool that is needed by UTA if it is to proceed in the most cost-effective manner of obtaining property. UTA must comply with both state and federal guidelines. It must go through a very restrictive, cumbersome process to determine alignment and would also be under the same recommendations that the state Private Property Ombudsman has established.

Ms. Kathryn Pett, UTA, indicated that current law states that a municipality or county may acquire private property interest by eminent domain necessary to the establishment and operation of a public transit district. By allowing UTA eminent domain, taxpayers will benefit and UTA will not have to pay more than fair market value. She pointed out that under federal law UTA is subject to relocation provisions also. UTA will also not have to condemn excess property. Ms. Pett stressed that the community will remain involved in the process. Eminent domain will help achieve uniformity among special districts and would achieve consistency with authority granted with other rail systems.

Sen. Evans asked what types of plans are being developed by UTA to make it a user friendly condemnation process. He also expressed concern that if local jurisdictions are not willing to exercise their power of eminent domain on behalf of UTA, there is a problem somewhere.

Ms. Pett stated their board does not take this power lightly. They would approve its use only in those circumstances where all other means had been exhausted.

Mr. Dave Spatafore, Utah League of Cities and Towns, said they have not taken a position on the bill. He noted that some mayors are very concerned with the proposal and he recommended that the committee not take any action at this time. He stressed the need for cooperation and communication between the league, municipalities, and UTA. Mr. Spatafore said he did not believe an appointed body would have the same sensitivity to the community as elected individuals.

Mr. Jan Furner, Utah Association of Special Districts, expressed his support for the legislation. He understood the constraints of elected officials and their burden of a brief tenure in office. It is important that UTA be granted the authority for eminent domain. Those on the UTA board are appointed for their expertise and are held accountable.

MOTION: Rep. Dillree moved to adopt proposed legislation, "Public Transit Districts" as a committee bill. On a roll call vote beginning with the Senate members, the motion failed with Rep. Suazo voting in the affirmative.

4. Quality Growth Commission Progress Report - Mr. Carlton Christensen, Quality Growth Commission member, distributed information on the commission's accomplishments. They met with county commissioners and local officials throughout the state to ascertain their concerns and needs as they formulated principles of quality growth. He stressed the value of planning grants to the communities. He said the commission has issued planning grants from funds that have been appropriated. Applications for grant monies totaled \$600,000. However, they only had \$200,000 to give to communities.

Mr. Mark Bedel, Governor's Office of Planning and Budget, stated his office staffs the commission. He reviewed the LeRay McAllister Critical Land Conservation Fund. He referred the committee to the projects that have received funding as well as applications that are pending.

Mr. Cary Peterson, commission member, discussed land ownership with the committee. He pointed that there is a small amount of private land in many counties. The Quality Growth Act restricts the commission from using state money for the Land Conservation Fund to acquire fee title on any more than 20 acres. They have held to that standard. Some counties have taken conservation easements on excess of 20 acres.

Mr. Christensen said that in a previous meeting a concern was raised about the cost of monitoring. He noted they are in the process of studying the issue and perhaps looking at some type of endowment that would be awarded at the same time the project is funded that could offset some of the administrative costs. Mr. Christensen stated nonprofit organizations can apply for these funds but can't be the holder of the monitoring of the easements. He said the legislature in the future may want to consider the possibility of the nonprofit organizations holding the easements and subsequently taking upon themselves the cost of monitoring them.

Rep. Gladwell asked if there has been any attempt to account for the growing potential costs.

Mr. Christensen responded that a study is being conducted to obtain a more accurate handle on the costs to make sure the state's and taxpayers interests are not compromised.

Rep. Murray requested that a roll call vote of the House members be taken on the motion made by Rep. Dillree regarding "Public Transit Districts." The motion passed unanimously. Reps. Baca, Buttars, and Dillree were absent for the vote.

5. Classification of Municipalities - Rep. Harper discussed proposed legislation, "Cities and Towns - Classification, Duties, and Related Issues." He stated the legislation is not yet complete. The bill creates five classes of cities and changes the population requirements. The bill is an attempt to put cities with the same problems, challenges, populations, and budgets together.

The bill makes the civil service permissive in cities of the second class and discusses the composition of the commission and what it can do. Reporting dates and requirements for towns were made the same as for cities.

6. Redevelopment Agency (RDA) Recodification - Rep. Harper briefly reviewed proposed legislation, "Recodification of Redevelopment Agencies Statutes." The bill is an attempt to create a logical sequence containing the rights and authorities for the agencies clearly identified. It also identifies the rights of protest, notification, and rights of property owners. The economic development and education housing components have been separated out from the redevelopment section. The bill repeals existing code and enacts the new code with a new section number. Rep. Harper said the bill grandfathers the existing agencies and projects based on their approval dates. He noted eminent domain would only be available in redevelopment project areas under specific circumstances. Rep. Harper indicated the bill still requires some technical clarifications.

MOTION: Sen. Evans moved to adopt proposed legislation, "Recodification of Redevelopment Agencies Statutes" as a committee bill. The motion passed unanimously. Sen. Suazo and Reps. Buttars and Dillree were absent for the vote.

7. Update on County Statutes (Title 17) Recodification - This item was not discussed.

MOTION: Sen. Evans moved to adjourn. The motion passed unanimously. Chair Murray adjourned the meeting at 3:45 p.m.